



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT KITALE**

**LAND CASE NO. 33 OF 2019**

**ALICE CHEMINING KATILEM**

**(Suing as the administrator of the estate of**

**TONGOLIK KATILEM.....PLAINTIFF**

**VERSUS**

**COUNTY GOVERNMENT OF WEST POKOT.....DEFENDANT**

**RULING**

1. The plaintiff in this matter filed an application dated **25/2/2021** seeking an order of interim injunction to restrain the defendant or its agents from commencing construction on or continuing with the constructions on or from interfering with the suit land in any other manner pending the hearing and determination of the main suit.
2. The suit land is said to measure about **70** acres. It is allegedly occupied by the plaintiff's family and is located at Kuposos village, Lomut location Toghomo sublocation and is part of a farm called Maron Farm. It is said to belong to the estate of Tongolik Katilem, now deceased
3. The plaintiff has in her supporting affidavit deponed that the defendant deposited construction materials on the suit land on **20/2/2021** yet **24/3/2021** had been already fixed as hearing date for the main suit. The plaintiff is apprehensive that the defendant would interfere with the suit land while this suit is still pending.
4. The affidavit of service of the application upon the respondent is on the record. I have perused the record and I have found no submissions on behalf of the respondent. The submissions of the applicant have been filed. The application is unopposed.
5. The prayer in the main suit is a declaration that the respondent does not have any proprietary rights in the suit land as well, as a permanent injunction against it. In this court's view it would be proper for the main suit to be heard and determined before the defendant commences or continues with any construction on the suit land. For that reason, and for the further reason that the respondent has not appeared to show cause why the application should not be granted, I hereby grant **prayers nos (c) and (d)** in the application dated **25/2/2021**.

It is so ordered.

**DATED, SIGNED AND DELIVERED AT NAIROBI VIA ELECTRONIC MAIL ON THIS 30TH DAY OF MARCH, 2021.**

**MWANGI NJOROGE**

**JUDGE, ELC, KITALE.**